

REMARKS

This paper is submitted in response to the Office action mailed on April 2, 2007. This paper amends no claims. Accordingly, after entry of this Amendment and Response, claims 1, 9, 10, 12 and 17-23 will be pending.

I. Claim Rejections Under 35 U.S.C. § 103

Claims 1, 9, 10, 12 and 17-23 are rejected under 35 U.S.C. § 103(a) as being obvious under U.S. Patent No. 6,851,109 to Alexander et al. (hereafter "Alexander") in further view of U.S. Patent No. 5,675,804 to Sidik et al. (hereafter "Sidik") and in further view of U.S. Patent No. 5,848,274 to Hambey et al. (hereafter "Hambey"). A prima facie case of obviousness requires that a reference or combination of references "teach or suggest all of the claim limitations." See MPEP § 2143.

A. Alexander is not a proper 35 U.S.C. § 103(a) prior art reference

Applicant submits that the earliest priority date for the present application is earlier in time than the earliest priority date of the Alexander reference. The filing date of the Alexander reference is May 6, 1999. Alexander does not claim any earlier priority date than its original filing date. On the other hand, the present application, filed June 27, 2002, is a continuation application of application no. 09/298,637 (now U.S. Patent No. 6,381,737) which priority was properly declared. U.S. Patent No. 6,381,737 was filed on April 23, 1999. Accordingly, under 35 U.S.C. § 120, the present application has a priority date of April 23, 1999. See MPEP § 706.02 subsection V, paragraph A. As such, the priority date of the present application is earlier in time than the priority date of the Alexander reference. Therefore, the Alexander reference is not a proper 35 U.S.C. § 103(a) prior art reference. Hence, for at least this reason the combination of Alexander, Sidik and Hambey cannot disclose all the limitations of claims 1, 9, 10, 12 and 17-23. Therefore, claims 1, 9, 10, 12 and 17-23 are patentable under 35 U.S.C. § 103(a) over Alexander, Sidik and Hambey.

II. Conclusion

The Applicant believes no fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefore and authorization to charge Deposit Account No. 04-1415 as necessary.

The Applicant thanks the Examiner for his thorough review of the application. The Applicant respectfully submits the present application, as amended, is in condition for allowance and respectfully requests the issuance of a Notice of Allowability as soon as practicable.

If the Examiner should require any additional information or amendment, please contact the undersigned attorney.

Dated: July 2, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gregory P. Durbin', written over a horizontal line.

Gregory P. Durbin, Registration No. 42,503
Attorney for Applicant
USPTO Customer No. 66083

DORSEY & WHITNEY LLP
Republic Plaza Building, Suite 4700
370 Seventeenth Street
Denver, Colorado 80202-5647
Phone: (303) 629-3400
Fax: (303) 629-3450